

REMARKS

Claims 1, 2 and 4-15 are all the claims pending in the application

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 4, 5 and 12-15 contain allowable subject matter, and would be allowable if rewritten in the independent form. However, since the rejection of the corresponding base claims are believed to be overcome, Applicant has not placed these claims in independent form at this time.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1, 2 and 6-8 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Inomata (U.S. Patent No. 5,495,327). Applicant respectfully traverses this rejection in view of the following arguments.

Claim 1 sets forth, in pertinent part, “a developing device revolved and stopped at a developing position, as a result of said rotary unit being rotationally driven ...” In a device consistent with claim 1, the developing device is rotated to a developing position where developing takes place. The Examiner asserts that Inomata teaches a plurality of developing devices (developing rollers 9-12) which are revolved and stopped at a developing position. However, the alleged developing devices (9-12) of Inomata are not revolved and stopped at a developing position. Instead, the Inomata developing roller (9-12) are stationary. Inomata teaches switching between developing rollers (9-12) by rotating a gear (22). When the gear is rotated in a particular direction, opposite the direction shown by the arrow in Fig. 1, it rotates a cam (17) to bring one of the developing rollers (9-12) into a transmission path with the motor.

(See Inomata Fig. 1 and column 4, lines 22-42) In this manner, switching between developing rollers (9-12) is accomplished by rotating the cam (17) without revolving any of the developing rollers into a developing position. Therefore, Inomata at least fails to teach “a developing device revolved and stopped at a developing position, as a result of said rotary unit being rotationally driven” as set forth in claim 1 of the present application. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1.

Claim 2 depends from claim 1 and is allowable at least because of its dependency and claims 6-8 are allowable at least for reasons similar to those given above with respect to claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2 and 6-8.

Double Patenting Rejections

Claims 1, 2 and 6-11 stand rejected under the judicially created doctrine of obviousness-type double patenting. Applicant files herewith a terminal disclaimer to overcome these rejections.

As noted in *Quad Environmental Technologies*, the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither presumption nor estoppel on the merits of the rejection. It is improper to convert this simple expedient of “obviation” into an admission or acquiescence or estoppel on the merits.¹

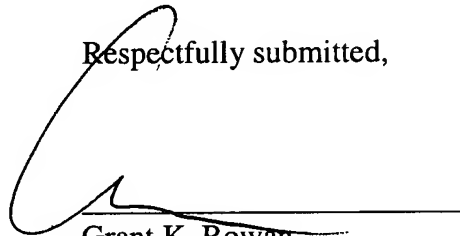
¹ *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ.2d 1392, 1394, 1395 (Fed. Cir. 1991).

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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